

RESPONSE

Applicant has carefully reviewed and considered the Office Action mailed on July 12, 2006.

Claims 1-41 are pending in the application. Claims 34-41 are withdrawn from consideration. Claims 1-33 are rejected by examiner.

Claims 1, 10 and 22 are amended, and claims 4, 11, 16, 17, 23, 28 and 29 are canceled.

§ 112 Rejection of the Claims

Claims 1-33 are rejected under 35 USC § 112, first paragraph, for the reasons set forth in the Office Action.

In order to facilitate prompt issuance of the application, and without conceding the arguments advanced in the Office Action, the claims have been amended consonant with the statement of the Examiner at pages 2 and 3 of the Office Action setting forth suggested metes and bounds as to which the specification is enabling. Specifically, claim 1 has been amended by specifying that “n is 3 to about 20 amino acid residues”, the definitions of R₁ and R₂ amended by deleting “or homologs of” while adding limitations as to a cysteine residue therein or a proline in specified positions therein, and the definition of Z amended by specifying it is “an amino acid residue.” Independent claims 10 and 22 are similarly amended; it is noted that in these claims the definition of C provides defined structure by providing that it is “an L- or D-3-mercapto amino acid residue.”

Claims 1-9, 11 and 23 are rejected under 35 USC § 112, second paragraph, and are asserted to be indefinite because of the use of the term “n residues”, “Mimetic thereof” or “substantially”. In order to facilitate prompt issuance of the application, and without conceding the arguments advanced in the Office Action, the claims have been amended such that the rejection is moot.

Claims 10-33 are rejected under 35 USC § 112, second paragraph, and are asserted to be indefinite as to how the specific residues that binds to a target interest in the primary sequence of parent polypeptide are determined. Claims 10 and 22 are amended to incorporate the limitations of claims 11 and 23, respectively.

Claim Rejections-Obviousness Type Double Patenting

Claims 1-33 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3, 5-40 and 42-76 of co-pending application No. 10/464,117 (based on the amended claims filed February 6, 2006). Applicant understands that if this case is otherwise in condition for allowance the rejection will be withdrawn provided that co-pending application No. 10/464,117 is not prior thereto allowed, and that Applicant reserves the right to raise defenses or objections to the rejection in the co-pending application.

Petition for Extension of Time

A petition for a two month extension, through December 12, 2006, and the required fee, is submitted herewith. Authorization is given to charge payment of any additional fees required, or credit any overpayment, to Deposit Acct. 50-3582.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (609 495 9197) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 50-3582.

Respectfully submitted,

Date: December 12, 2006

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